

Boulder, Utah

June 10, 1940

Mr. T. H. Humpherys,  
State Engineer  
Salt Lake City, Utah.

Dear Sir:

In compliance with your letter of June 5, I am enclosing an application for a temporary change of point of diversion and of place and purpose of use.

The point of diversion for the .05 c.f.s. of Chriss Moosman's water will remain the same. There will be a change of diversion with the other two.

Agreements between the several parties concerned have been made and are on file with the Board. The Board favors this transfer and feel that everything is in readiness to be done, pending your approval.

The only objection that I have encountered is that of Bert Peters who feels that the transfer of any decreed water from within the drainage area of the Deer Creek System would injure the rights of Deer Creek users in that it would lessen the seepage and run-off incidental to that land being irrigated with the amount of water decreed to it. However where the transfer is made as a charitable act, he will not object to Mr. Moosman making such a transfer.

This has been delayed so long that anything that you can do to give the matter your earliest attention will be very much appreciated. However I think it will be possible for the users to obtain some water from Mr. King for this week.

The Board turned this matter over to me yesterday, accordingly I informed the Users that it would be necessary for them to file an application for a temporay change of diversion with your office and agreed to assist them in doing this. In the meantime a member of the Board informed Mr. Moosman that this proceedure is unnecessary but that he has no objection if the users wish to do so. Also I am not in full accord with the recent stand that the majority of the Board has taken in the settlement of a disagreement as to rights which has been open for over a year and which is more or less still pending the final actions of the parties concerned.

Where I am recognized as commissioner I feel that it is my duty to investigate these matters as they come up and to insist that the laws are complied with. Accordingly I have stated my position in a letter to the Board of which I am enclosing a copy.

I feel that the Board can handle the distribution of the water here satisfactorily this season. The water in the Boulder Creek may be about three second feet below the 25.5 feet of primary rights. The Deer Creek System has sufficient for the primary rights or about 4.5 c.f.s.

The crops are not suffering as yet and the outcome will depend upon the amount of moisture we get from the summer rains.

Yours very truly,

(SGD) Franklin C. Hansen

We just recently placed a weir on Boulder Canal, some are of the opinion that there is leakage around the weir. At any rate, there is not over the 25.5 feet in the Boulder creek at the present time.